

JERONIMO DIAZ MOLINA,)
)
 Petitioner,)
)
 v.) 1:15CV449
)
 FRANK PERRY,)
)
 Respondent.)

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15A–1422). Petitioner states that he contacted North Carolina Prisoner Legal Services, but that the organization declined to help him. This does not excuse Petitioner from the exhaustion requirement. He must exhaust his state court remedies by filing the appropriate documents himself even if he cannot obtain legal representation.

Because of these pleading failures, the Petition should be filed and then dismissed, without prejudice to Petitioner filing a new petition on the proper habeas corpus forms with the \$5.00 filing fee, or a completed application to proceed *in forma pauperis*, and otherwise correcting the defects noted. The Court has no authority to toll the statute of limitation, therefore it continues to run, and Petitioner must act quickly if he wishes to pursue this petition. See Spencer v. Sutton, 239 F.3d 626 (4th Cir. 2001). To further aid Petitioner, the Clerk is instructed to send Petitioner a new application to proceed *in forma pauperis*, new § 2254 forms, and instructions for filing a § 2254 petition, which Petitioner should follow.

In forma pauperis status will be granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation. The Clerk is instructed to send Petitioner § 2254 forms, instructions, and a current application to proceed *in forma pauperis*.

IT IS RECOMMENDED that this action be filed, but then dismissed *sua sponte* without prejudice to Petitioner filing a new petition which corrects the defects of the current Petition.

This, the 9th day of June, 2015.

/s/ L. Patrick Auld
L. Patrick Auld
United States Magistrate Judge